



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

September 18, 2015

By ECF

The Honorable John F. Keenan
United States District Judge
Southern District of New York
500 Pearl St.
New York, NY 10007

Re: *United States v. Miguel Barreto, 14 Cr. 378 (JFK)*

Dear Judge Keenan:

The defendant is scheduled to be sentenced in this matter on Tuesday, September 22, 2015, at 11:00 a.m. For the reasons explained below, the Government respectfully submits that a sentence of 12 to 18 months' imprisonment be imposed at sentencing.

A. The Offense Conduct and Guidelines Range

On January 13, 2010, the defendant was convicted in the Southern District of New York of possession of a firearm in relation to a crime of violence (specifically, a Hobbs Act robbery), in violation of 18 U.S.C. § 924(c), and sentenced to a term of 60 months' imprisonment. On December 17, 2013, the defendant was transferred from a federal facility in Hazelton, West Virginia, to the Bronx Residential Reentry Center (the "RRC"). On January 12, 2014, the defendant left the RRC without authorization from RRC staff, and did not return. On February 25, 2014, the defendant was arrested in Rhode Island for possession of marijuana, and subsequently pled guilty to that offense and received a one-year suspended sentence.

The plea agreement in this case provides that the defendant's offense level is seven, and that he is in Criminal History Category V, resulting in a resulting in a Guidelines range of 12 to 18 months' imprisonment. However, the parties agree that the PSR correctly calculates the defendant's offense level as 11, and his Criminal History Category as VI, resulting in a Guidelines range of 27 to 33 months' imprisonment.

B. A Sentence of 12 to 18 Months' Imprisonment is Appropriate

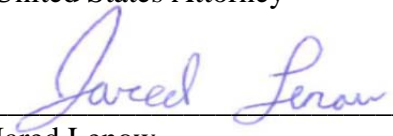
The Government submits that a sentence of 12 to 18 months' imprisonment would be sufficient, but not greater than necessary, to satisfy: (1) the need to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; and (2) the need to afford adequate deterrence to criminal conduct. The need for specific deterrence is

particularly acute in this case. The defendant has a long criminal record, including a 2002 arson conviction, the 2010 firearm conviction noted above, and a number of other convictions for possession of weapons. Further, the defendant has a troubling prison disciplinary record, including multiple infractions for possession of dangerous weapons and other prison contraband. And the instant offense powerfully demonstrates the defendant's current lack of concern for the consequences of his actions. For these reasons, and in light of the parties' plea agreement, the Government respectfully submits that a sentence of 12 to 18 months' imprisonment is appropriate here and would be sufficient, but not greater than necessary, to serve the legitimate purposes of sentencing.

Respectfully submitted,

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